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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/057,749 04/09/98 STRANDBERG

M DAVOX-144XX

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EXAMINER

TIEU, B

ART UNIT

PAPER NUMBER

2742

DATE MAILED:

11/15/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/057,749

Applicant(s)  
Strandberg

Examiner  
Benny Quoc Tieu

Group Art Unit  
2742



☒ Responsive to communication(s) filed on Apr 9, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

*Substitute*

☒ See the attached Notice of Draftsperson's Patent Drawing Review, *Substitute* PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

*Substitute*

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Objections*

2. Claim 8 is objected to because of the following informalities: "CGI" should be changed to --Common Gateway Interface (CGI)--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, the phrase "said ordered telephone numbers" lacks antecedent basis.

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With respect to claims 8 and 9, the phrase "said global computer network" lacks antecedent basis.

With respect to claim 10, the phrase "said call back data" on line 6 lacks antecedent basis, and the phrase "telephone numbers" on line 13 lacks antecedent basis.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (U.S. Patent No. 5,884,032) in view of Grossman et al. (U.S. Patent No. 5,436,965) and Srinivasan (U.S. Patent No. 5,185,782).

Regarding claims 1 and 10, Bateman teaches a system and method for providing a telephone call back to a customer with a computer equipment who uses WWW servers (computer network) to access information from an organizations databases, then needs help from a human ACD agent, and requests for a callback (Abstract). Bateman fails to teach an automated dialer system including a call back campaign manager, a call scheduler, and a predictive dialer.

However, these features are well known in the art and taught by Grossman. Grossman teaches a

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call record scheduling system and method including outbound telephone contact campaigns (Abstract), a call scheduler (column 2, lines 56-61), and predictive dialer (column 4, lines 7-12). Both Bateman and Grossman fail to teach redialing a busy telephone number. However, Srinivasan teaches a system and method wherein if a call does not get through, the arrangement repeatedly periodically repeats placing of the outgoing call (redial), until the call gets through (Abstract, lines 14-16). Since Bateman, Grossman, as well as Srinivasan teach the system and method concerning a call center, they could be combined by a skilled person in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of call scheduler, predictive dialer as taught by Grossman, and the use of redial as taught by Srinivasan into the system and method as disclosed by Bateman in order to allow a customer using a data network to be called back by an available agent of a call center, and in case the line of the customer is busy, the call is redialed until the call is answered by the customer.

Regarding claim 3, Bateman further teaches the computer network interface interfaces the computer network to agent terminals connected to the automated dialer system (Fig. 1).

Regarding claim 4, see Bateman, column 6, lines 15-30.

Regarding claim 5, see Bateman, column 6, line 24.

Regarding claim 6, see Bateman, column 7, lines 43-61.

Regarding claim 7, see Bateman, column 6, line 25.

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Regarding claims 8 and 9, Bateman fails to teach the call back data is transmitted over a global computer network using a CGI script or a JAVA language script. However, this is a design choice and lies fully under a capability of a person skill in the art.

Regarding claims 11 and 13, Bateman fails to teach the method wherein the step of redialing includes continuously redialing the at least one of telephone numbers until an answer is detected. However, Srinivasan teaches this feature (Abstract, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of redialing as taught by Srinivasan into the method as disclosed by Bateman in order to offer the customer a call back service successfully.

Regarding claim 12, see Bateman, column 6, lines 55-57.

Regarding claim 14, Bateman further teaches the method wherein the call back data includes at least one time to be called back, wherein at least one of the telephone numbers is scheduled according to the time to call back (column 6, lines 23-25).

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. in view of Grossman et al. and Srinivasan as applied to claim 1 above, and further in view of Szlam et al. (U.S. Patent No. 5,828,731).

Regarding claim 2, Bateman, Grossman, and Srinivasan fails to teach the system wherein the predictive dialer includes a call pacer that paces dialing of the telephone numbers according to a call pacing algorithm. However, Szlam teaches an apparatus for non-offensive termination of an

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outbound call wherein the call pacing algorithm be adjusted to err on the side of calling too many parties rather than too few parties in order to maximize the utility of the agents. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of pacing algorithm as taught by Szlam into the system as disclosed by Bateman, Grossman, and Srinivasan in order to maximize the utility of the agents.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sheinbein (U.S. Patent No. 4,166,929) teaches an interoffice callback arrangement. Jain et al. (U.S. Patent No. 5,742,674) teaches an automatic call back system and method using data indicating best time to call. Svoronos et al. (U.S. Patent No. 5,802,161) teaches a method and system for optimized scheduling. McMullin (U.S. Patent No. 5,809,128) teaches a method and apparatus permitting notification and control of blocked incoming calls over a data network. Smith (U.S. Patent No. 5,822,400) teaches a call record scheduling system and method. Schwartz et al. (U.S. Patent No. 5,903,642) teaches a method for eliminating telephone hold time. Bentley et al. (U.S. Patent No. 5,941,951) teaches a system and method for controlling and monitoring communication between customers and customer service representatives.

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9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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**or faxed to:**

(703) 308-9051, (for formal communications intended for entry, please label the response "EXPEDITED PROCEDURE")

**Or:** (703)308-5403, (for informal or draft communication, please label "PROPOSED" or "DRAFT")

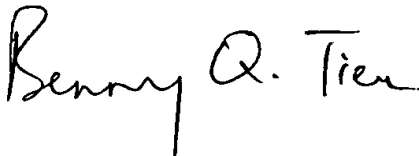
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BENNY Q. TIEU** whose telephone number is **(703) 305-2360**. The examiner can normally be reached on Monday through Friday from 7:00AM to 5:30PM.

The fax number for this Group is (703) 308-9051.

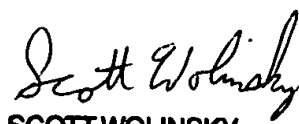
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4700.

**Patent Examiner: BENNY QUOC TIEU**



**Date: November 14, 1999.**

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**SCOTT WOLINSKY  
PRIMARY EXAMINER**